

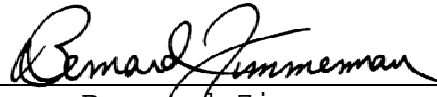
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ROBERT DABNEY, et al.,)	
)	
Plaintiff(s),)	No. C09-4116 BZ
)	
v.)	
)	ORDER DENYING PLAINTIFFS'
CITY OF HAYWARD, et al.,)	MOTION FOR LEAVE TO FILE
)	THIRD AMENDED COMPLAINT
Defendant(s).)	
_____)	

Plaintiffs have moved for leave to file their third amended complaint (Docket No. 56) so that they could add the true names of defendant's Officers who were originally named as Doe defendants. **IT IS HEREBY ORDERED** that plaintiffs' motion is **DENIED** because they have not made the necessary showing under FRCP 16(b)(4) that there is "good cause" to modify the pretrial scheduling order and permit such an amendment. Plaintiffs have not offered any reasonable explanation as to why they waited until the eve of trial to seek leave. The Court's pretrial order clearly states that the City of Hayward is the only defendant and that all unsecured Doe defendants are stricken. See Docket No. 51.

1 The Court finds no need for argument on this issue and
2 the hearing set for **April 6, 2011** is **VACATED**.

3 Dated: March 28, 2011

4 

5 Bernard Zimmerman
6 United States Magistrate Judge

7 G:\BZALL\BZCASES\DABNEY V. CITY OF HAYWARD\ORDER DENYING LEAVE TO FILE
8 COMPLAINT.wpd
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28